

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

AUSTRALIAN NATIONAL UNIVERSITY AMENDMENT BILL 1984

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1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 9 May 1984

(Minister representing the Minister for Education and Youth Affairs)

A BILL

FOR

An Act to amend the *Australian National University Act 1946*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1.** (1) This Act may be cited as the *Australian National University Amendment Act 1984*.

(2) The *Australian National University Act 1946*¹ is in this Act referred to as the Principal Act.

Commencement

10 **2.** (1) Subject to sub-sections (2) and (3), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 19 shall come into operation on 1 July 1984.

(3) Sections 18 and 23 shall be deemed to have come into operation on 1 January 1984.

Common Seal

15 **3.** Section 5 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the common seal of the University appearing on a document and shall presume that the document was duly sealed.”.

Constitution of Council

- 4.** Section 11 of the Principal Act is amended— 5
- (a) by omitting from sub-section (2) “he” and substituting “the member”; and
 - (b) by omitting from sub-section (5) “his predecessor’s term of office” and substituting “the term of office of the predecessor of the person”.

Disqualifications

5. Section 13 of the Principal Act is amended by omitting paragraphs (b) and (c) and substituting the following paragraphs: 10

- “(b) is an undischarged bankrupt or a person in respect of whom there is in operation a composition, deed of arrangement or deed of assignment with the creditors of the person under the law relating to bankruptcy; 15
- (c) is under sentence of imprisonment for an offence; or”.

Vacation of office

- 6.** Section 14 of the Principal Act is amended— 20
- (a) by omitting paragraph (1) (c) and substituting the following paragraph:
 - “(c) resigns from membership of the Council;”;
 - (b) by inserting in paragraph (1) (da) “or her” after “his”;
 - (c) by omitting from paragraph (1) (f) “he” and substituting “the member”; 25
 - (d) by omitting from sub-section (1) “his” (last occurring) and substituting “the member’s”; and
 - (e) by omitting from sub-section (2) “while he continues to be entitled to the Parliamentary allowance that became payable to him as such a member” and substituting “while continuing to be entitled to the Parliamentary allowance payable to such a member”. 30

Meetings of Council

7. Section 15 of the Principal Act is amended by omitting from sub-section (1) “he” and substituting “the Chancellor”.

8. Section 15AA of the Principal Act is repealed and the following section is substituted: 35

Disclosure of interests of members

“15AA. (1) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Council shall, as soon as possible after the relevant facts have come to the 40

knowledge of the member, disclose the nature of that interest at a meeting of the Council.

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Council and the member shall not—

- 5 (a) be present during any deliberation of the Council with respect to that matter; or
(b) take part in any decision of the Council with respect to that matter.”.

Board of Institute of Advanced Studies

9. Section 15A of the Principal Act is amended—

- 10 (a) by omitting from paragraph (1) (g) “and”;
(b) by inserting after paragraph (1) (g) the following paragraph:
“(ga) such students of the University of a class specified in the Statutes as are elected, in the manner provided by the Statutes, by students of that class; and”;
- 15 (c) by omitting from sub-section (6) “him as such a” and substituting “that”;
- (d) by omitting from sub-section (7) “before he otherwise ceases to hold that office, a member referred to in another of those paragraphs, he” and substituting “before otherwise ceasing to hold that office, a member referred to in another of those paragraphs, that person”;
- 20 (e) by omitting from sub-section (8) “or (g)” and substituting “, (g) or (ga)”;
- (f) by omitting from sub-section (8) “his predecessor’s term of office” and substituting “the term of office of the predecessor of the person”; and
- 25 (g) by omitting from sub-section (9) “he” and substituting “the Chairman”.

Board of The Faculties

10. Section 15B of the Principal Act is amended—

- 30 (a) by omitting from sub-section (6) “him as such a” and substituting “that”;
- (b) by omitting from sub-section (7) “before he otherwise ceases to hold that office, a member referred to in another of those paragraphs, he” and substituting “before otherwise ceasing to hold that office, a member referred to in another of those paragraphs, that person”;
- 35 (c) by omitting from sub-section (8) “his predecessor’s term of office” and substituting “the term of office of the predecessor of the person”; and
- (d) by omitting from sub-section (9) “he” and substituting “the Chairman”.

Certain officers to be appointed or elected

- 40 11. Section 18A of the Principal Act is amended—
(a) by omitting from paragraph (b) “and”; and

- (b) by adding at the end thereof the following word and paragraph:
“; and (d) Treasurer.”.

Acting appointments

12. Section 18B of the Principal Act is amended—

- (a) by omitting paragraph (1) (c) and substituting the following paragraphs: 5
“(c) Assistant Vice-Chancellor;
(d) Treasurer.”;
- (b) by omitting from sub-section (6) “he” and substituting “that person”;
- (c) by omitting from sub-section (8) “his” (wherever occurring) and substituting “that person’s”; and 10
- (d) by omitting from sub-section (8) “him” and substituting “that person”.

Re-election or appointment

13. Section 20 of the Principal Act is amended by omitting “he” and substituting “that person”. 15

Validity of proceedings

14. Section 21 of the Principal Act is amended—

- (a) by inserting in paragraph (a) “, or any member of any committee of,” after “member of”; and 20
- (b) by omitting from paragraph (d) “the Council or of” and substituting “, or in the number of members of any committee of, the Council or”.

Standing Committee of Council

15. Section 24 of the Principal Act is amended by omitting from sub-section (2) “his” and substituting “the Pro-Chancellor’s”. 25

Statutes

16. Section 27 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (fa) “and the Assistant Vice-Chancellor” and substituting “, the Assistant Vice-Chancellor and the Treasurer”; 30
- (b) by omitting sub-paragraph (1) (o) (i) and substituting the following sub-paragraph:
“(i) fees the payment of which is voluntary;”; and
- (c) by inserting after sub-paragraph (1) (o) (ii) the following sub-paragraph: 35
“(iii) fees payable in respect of an organization of students, or of students and other persons;”.

Statutes relating to traffic

17. Section 27A of the Principal Act is amended—

(a) by omitting paragraph (2) (d) and substituting the following paragraphs:

5 “(d) authorizing the removal of vehicles from places, on land occupied by the University, where—

(i) they have been parked or stopped in contravention of a Statute; or

(ii) they appear to have been abandoned;

10 (da) in respect of vehicles the removal of which is authorized by a Statute made under paragraph (d)—

(i) authorizing the impounding of a vehicle so removed;

15 (ii) setting out the conditions to be observed before a vehicle so impounded is released, including a condition for payment of a specified amount to secure the release of the vehicle; and

20 (iii) authorizing the disposal or destruction of a vehicle so impounded if the owner fails, after being given a reasonable opportunity to do so, to claim the vehicle and to pay any amount payable to secure the release of the vehicle;”;

(b) by omitting from paragraph (2) (e) “he” and substituting “the person”;

(c) by omitting from paragraph (2) (f) “\$5” and substituting “\$35”; and

25 (d) by omitting from paragraph (2) (g) “\$100” and substituting “\$200”.

Repeal of section 29A

18. Section 29A of the Principal Act is repealed.

19. Section 30 of the Principal Act is repealed and the following section is substituted:

30 **Finance**

“30. (1) There are payable to the University such amounts as are appropriated by the Parliament for the purposes of the University.

35 “(2) Moneys payable to the University in accordance with sub-section (1) shall be paid in such amounts, and at such times, as the Minister for Finance determines.”.

Bank accounts

20 Section 31A of the Principal Act is amended by inserting in sub-section (3) “of the Commonwealth” after “Treasurer”.

Audit

21. Section 31C of the Principal Act is amended—

- (a) by omitting from sub-section (1) “his” and substituting “the Auditor-General’s”;
- (b) by omitting from sub-section (2) “, at his discretion,”; and
- (c) by omitting from sub-sections (4), (5) and (6) “him” (wherever occurring) and substituting “the Auditor-General”.

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No religious test

22. Section 32 of the Principal Act is amended by omitting “him” and substituting “that person”.

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Repeal of section 32A

23. Section 32A of the Principal Act is repealed.

Annual report

24. Section 33 of the Principal Act is amended by omitting from sub-section (2) “in his opinion” (wherever occurring) and substituting “in the opinion of the Auditor-General”.

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Preservation of rights of persons formerly employed in Forestry and Timber Bureau

25. Section 34 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “his employment” and substituting “being employed”;
- (b) by omitting from sub-section (1) “he retains, and shall be deemed to have retained, his existing and accruing rights” and substituting “that person’s existing and accruing rights are retained and shall be deemed to have been retained”;
- (c) by omitting from sub-section (2) “his” and substituting “the person’s”;
- and
- (d) by omitting sub-section (3).

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NOTE

1. No. 22, 1946, as amended. For previous amendments, see Nos. 21 and 56, 1947; No. 3, 1960; No. 9, 1963; No. 108, 1965; No. 93, 1966; No. 65, 1967; No. 1, 1971; No. 96, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 94, 1975; No. 36, 1978; No. 190, 1979; and Nos. 61, 106 and 166, 1981.